

City Council  
Atlanta, Georgia

AN ORDINANCE  
BY: ZONING COMMITTEE

Z-06-116  
Date Filed: 10-10-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **438-472 McDonough Boulevard, S.E. and 1395-1459 Gault Street, S. E.** be changed from the C-2-C (Community Service-Conditional) District and R4-A (Single-family Residential) District to the MRC-3 (Mixed Residential Commercial) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 41 of the 14<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION:  
TOTAL

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIN SET AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF GAULT STREET (40 FOOT RIGHT-OF-WAY) AND THE NORTHERN RIGHT-OF-WAY LINE OF MCDONOUGH BOULEVARD (RIGHT-OF-WAY WIDTH VARIES); THENCE TRAVEL ALONG THE NORTHERN RIGHT-OF-WAY LINE OF MCDONOUGH BOULEVARD (RIGHT-OF-WAY WIDTH VARIES) THE FOLLOWING COURSES AND DISTANCES: SOUTH 87 DEGREES 29 MINUTES 16 SECONDS WEST A DISTANCE OF 100.00 FEET TO A POINT; SOUTH 87 DEGREES 58 MINUTES 46 SECONDS WEST A DISTANCE OF 100.00 FEET TO A NAIL SET; ALONG THE ARC OF A CURVE TO THE RIGHT, SAID ARC HAVING A DISTANCE OF 76.22 FEET, HAVING A RADIUS OF 501.90 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING OF NORTH 78 DEGREES 53 MINUTES 14 SECONDS WEST AND A CHORD DISTANCE OF 76.15 FEET, TO AN IRON PIN SET; AND NORTH 74 DEGREES 32 MINUTES 14 SECONDS WEST A DISTANCE OF 105.71 FEET TO A NAIL SET; THENCE LEAVE THE NORTHERN RIGHT-OF-WAY LINE OF MCDONOUGH BOULEVARD (RIGHT-OF-WAY WIDTH VARIES) AND TRAVEL NORTH 00 DEGREES 29 MINUTES 14 SECONDS WEST A DISTANCE OF 99.80 FEET TO A BRASS DISC FOUND; THENCE RUN NORTH 80 DEGREES 02 MINUTES 07 SECONDS WEST A DISTANCE OF 12.01 FEET TO A BRASS DISC FOUND; THENCE RUN NORTH 02 DEGREES 05 MINUTES 58 SECONDS WEST A DISTANCE OF 684.53 FEET TO A 1/2" REBAR FOUND ON THE SOUTHERN RIGHT-OF-WAY LINE OF CASANOVA STREET (40 FOOT RIGHT-OF-WAY) (NOT OPEN); THENCE RUN ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF CASANOVA STREET (40 FOOT RIGHT-OF-WAY) (NOT OPEN) NORTH 86 DEGREES 58 MINUTES 05 SECONDS EAST A DISTANCE OF 373.45 FEET TO A 3/4" ROD FOUND ON THE WESTERN RIGHT-OF-WAY LINE OF GAULT STREET (40 FOOT RIGHT-OF-WAY); THENCE RUN ALONG THE WESTERN RIGHT-OF-WAY LINE OF GAULT STREET (40 FOOT RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES: SOUTH 02 MINUTES 54 DEGREES 44 SECONDS EAST A DISTANCE OF 599.97 FEET TO AN IRON PIN SET; SOUTH 02 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 50.00 FEET TO AN IRON PIN SET; AND SOUTH 02 DEGREES 32 MINUTES 14 SECONDS EAST A DISTANCE OF 191.69 FEET TO AN IRON PIN SET ON THE NORTHERN RIGHT-OF-WAY LINE OF MCDONOUGH BOULEVARD (RIGHT-OF-WAY WIDTH VARIES), SAID PIN BEING THE POINT OF BEGINNING.

SAID TRACT CONTAINS 7.1799 ACRES, AS SHOWN ON THAT CERTAIN ALTA/ACSM TOPOGRAPHICAL & LAND TITLE SURVEY FOR SAWTELL DEVELOPMENT PARTNERS, LLC, WACHOVIA BANK, NA, AND OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, PREPARED BY HANNON MEEKS & BAGWELL, SURVEYORS & ENGINEERS, INC., BEARING THE SEAL AND CERTIFICATION OF MILES H. HANNON, GEORGIA REGISTERED LAND SURVEYOR NO. 1528, DATED SEPTEMBER 21, 2001, LAST REVISED JANUARY 6, 2003.

2-06-116

RECEIVED

OCT 10 2006

Bureau of  
Planning